

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jesse Spieler-Jones	Team: Team # 5	CCRB Case #: 201003047	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/02/2010 9:30 AM	Location of Incident: 61 Court Street	Precinct: 84	18 Mo. SOL 9/2/2011	EO SOL 9/2/2011	
Date/Time CV Reported Sat, 03/06/2010 11:54 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 03/06/2010 11:54 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Miguel Figueroa	11696	939822	084 PCT
2. POF Sonia Belardo	26587	941259	084 PCT
3. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Rory Mangra	02492	935240	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Miguel Figueroa	Abuse: PO Miguel Figueroa stopped § 87(2)(b)	
B.POF Sonia Belardo	Abuse: PO Sonia Belardo searched the car in which § 87(2)(b) was an occupant.	
C. Officers	Abuse: Officers searched the car in which § 87(2)(b) was an occupant.	

Case Summary

On March 6, 2010, § 87(2)(b) filed this complaint using the CCRB call processing system (encl. 4A-B). On March 2, 2010, at approximately 9:30 a.m., in the vicinity of 61 Court Street in Brooklyn, § 87(2)(b) illegally parked his vehicle and then became involved in a verbal dispute with NYPD Traffic Enforcement Agent § 87(2)(b) within view of PO Miguel Figueroa. The following allegation resulted:

- **Allegation A – Abuse of Authority:** PO Miguel Figueroa stopped § 87(2)(b) § 87(2)(g).
§ 87(2)(g).
§ 87(2)(g).
- **Allegation B – Abuse of Authority:** PO Sonia Belardo searched the car in which § 87(2)(b) was an occupant. § 87(2)(g).
§ 87(2)(g).
§ 87(2)(g).
- **Allegation C – Abuse of Authority:** Officers searched the car in which § 87(2)(b) was an occupant. § 87(2)(g).
§ 87(2)(g).
§ 87(2)(g).

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) black male who is 5'11" tall, weighs 200 lbs and has black hair and brown eyes. § 87(2)(b)

Testimony

§ 87(2)(b) made statements regarding this incident in filing his complaint with the CCRB call processing system on March 6, 2010 (encl. 4A-B), over the telephone on March 11, 2010 (5A), and in person at the CCRB on March 16, 2010 (encl. 6A-G). On March 2, 2010, at approximately 9:30 a.m., § 87(2)(b) was driving in the vicinity of 220 Jerolamen Street in Brooklyn when he received a call from his fiancé on his mobile phone. When § 87(2)(b)'s fiancé informed him that individuals were attempting to break into her apartment, § 87(2)(b) pulled over in front of a nearby bus stop. An NYPD traffic enforcement agent, identified by the CCRB as TEA § 87(2)(b) approached § 87(2)(b)'s vehicle and informed him that it was parked in a bus stop. A heated argument ensued, during which § 87(2)(b) attempted to explain the situation and yelled at TEA § 87(2)(b). TEA § 87(2)(b) repeatedly ordered him to move his vehicle. § 87(2)(b) then drove around the corner and parked his vehicle on Court Street several feet away from the curb. TEA § 87(2)(b) again approached § 87(2)(b)'s vehicle and ordered him to move. § 87(2)(b) did not move, but rather again attempted to explain the situation to TEA § 87(2)(b) and accused TEA § 87(2)(b) of harassing him. When § 87(2)(b) became agitated and opened his door, TEA § 87(2)(b) backed onto the sidewalk and walked down the block to a marked patrol car that was parked nearby. § 87(2)(b) could see the patrol car from where he was parked and testified that the officers in the patrol car would have been able to see him as well. An officer identified by the CCRB as PO Miguel Figueroa was in the driver's seat of the patrol car. A Hispanic female officer who was identified by the CCRB as PO Sonia Belardo was in the passenger's seat.

PO Figueroa then exited the patrol car, approached § 87(2)(b) and requested his ID. § 87(2)(b) checked his pocket for his ID, realized that it was on the ash tray of his truck, informed PO

Figueroa that he would be reaching into his truck to retrieve it and began to reach for it. PO Figueroa used his right hand to briefly grab the back of § 87(2)(b)'s collar but released him when § 87(2)(b) provided his ID. PO Figueroa then returned to his patrol car, drove it up Court Street toward § 87(2)(b)'s truck and parked it in front of § 87(2)(b)'s truck. As this was happening, approximately six or seven additional officers arrived.

PO Figueroa then informed § 87(2)(b) that he was going to be arrested because PO Figueroa had discovered that § 87(2)(b) had an active arrest warrant. PO Figueroa handcuffed § 87(2)(b) and escorted him to the patrol car. Because § 87(2)(b)'s size was making it difficult for him to enter the back seat of the patrol car, PO Figueroa used the side of his elbow to push the side of § 87(2)(b)'s torso in an effort to move him into the patrol car. In his telephone statement, § 87(2)(b) described these pushes as strikes. However, in his subsequent sworn statement, he clarified that they were not strikes. Although § 87(2)(b) was "bothered" by this action, it did not cause him any injury, and he clarified during his interview that "it was nothing."

Once § 87(2)(b) was inside the patrol car, he turned around and saw PO Belardo and three unidentified male officers searching his truck. PO Belardo was searching through the front driver's side area of his truck while an unidentified uniformed male searched through the front passenger's side and two unidentified uniformed male officers, one of which was described by § 87(2)(b) as a heavyset black male in his late twenties or early thirties, searched § 87(2)(b)'s trunk. § 87(2)(b) could see that all of these officers were breaching the plane of his vehicle but could not see specifically where they were putting their hands. § 87(2)(b) was then taken to the stationhouse. § 87(2)(b)'s vehicle was driven to the stationhouse by PO Belardo and ultimately released into the custody of § 87(2)(b)'s girlfriend. While § 87(2)(b) was inside a holding cell, he read PO Figueroa's name off of his name plate.

NYPD Statements:

Subject Officer: PO MIGUEL FIGUEROA

- PO Figueroa is a § 87(2)(b)-old Hispanic male.
- On March 2, 2010, PO Figueroa worked from 8:45 a.m. to 8:40 p.m. in marked RMP with PO Sonia Belardo.

Memo Book (encl. 7A-D)

PO Figueroa's memo book indicates that he stopped § 87(2)(b) outside of 61 Court Street at 10:30 a.m. At 10:44 a.m., § 87(2)(b) was arrested. At 10:54 a.m., PO Figueroa arrived at the 84th Precinct stationhouse. At 12:30 p.m., PO Figueroa was advised by Lieutenant Aylward that the "complainant/NYPD traffic agent" would have to appear at the stationhouse with his supervisor to "verify story of possible OGA instead of discon of traffic agent." At 1:00 p.m., the traffic agent arrived at the stationhouse with his supervisor, Supervisor § 87(2)(b). As of 1:20 p.m., PO Figueroa was still waiting for the traffic agent to document his account of the incident. At 1:30 p.m., PO Figueroa processed the arrest of § 87(2)(b) § 87(2)(a) 160.50

Arrest Report (encl. 8A-B)

§ 87(2)(a) 160.50

[REDACTED]

§ 87(2)(a) 160.50

UF-61 (encl. 9A-B)

§ 87(2)(a) 160.50

Officers Not Interviewed

§ 87(2)(g)

NYPD Documents

84th Precinct Tour 2 Roll Call for March 2, 2010 (encl. 10A)

This roll call indicates that PO Figueroa was assigned to patrol Sectors A, B and E with PO Sonia Belardo in RMP § 87(2)(e), § 87(2)(f) at the time of the incident.

Arrest for Incident and Disposition (encl. 12B-E)

- Case number § 87(2)(b) remains open. The next scheduled court date is § 87(2)(b) in Brooklyn Criminal Court.

Status of Civil Proceedings (encl. 13A)

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 16, 2010 with regard to the incident.

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History (encl. 3A)

- This is the first CCRB complaint filed by § 87(2)(b)

Subject Officers CCRB History (encl. 2A-B)

- PO Miguel Figueroa has been a member of the service for four years and there are no substantiated CCRB allegations against him.
- PO Sonia Belardo has been a member of the service for four years and there are no substantiated CCRB allegations against her.

Conclusion

Identification of Subject Officers

- § 87(2)(b) testified that he read PO Figueroa's name off of his name plate. NYPD documentation confirms that PO Figueroa was § 87(2)(b)'s arresting officer. § 87(2)(g)
- NYPD documentation confirms that PO Belardo, § 87(2)(b), § 87(2)(g) was partnered with PO Figueroa at the time of the incident. § 87(2)(g)

- § 87(2)(b) provided only generic descriptions of the male officers who allegedly searched his vehicle and did not obtain any of their names or shield numbers. § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(b) alleged that, as he reached into his truck to retrieve his ID, PO Figueroa used his right hand to briefly grab the back of § 87(2)(b)'s collar and released him when § 87(2)(b) displayed his ID. § 87(2)(b) also alleged that, when he was unable to enter the back seat of the patrol car of his own accord, PO Figueroa used the side of his elbow to push the side of § 87(2)(b)'s torso in an effort to assist him into the patrol car. During his interview at the CCRB, § 87(2)(b) stated that the force used by PO Figueroa to move § 87(2)(b) into the patrol car was “nothing.” § 87(2)(g)

Allegation A: PO Miguel Figueroa stopped § 87(2)(b)

§ 87(2)(b) alleged that PO Figueroa requested his identification. Patrol Guide Procedure 212-11 (encl. 1A-C) states that an officer should stop a person if the officer reasonably suspects that that person has committed a crime. § 87(2)(b), § 87(2)(g)

Allegation B: PO Sonia Belardo searched the car in which § 87(2)(b) was an occupant.

Allegation C: Officers searched the car in which § 87(2)(b) was an occupant.

§ 87(2)(b) alleged that, after he was placed under arrest and before PO Belardo drove his vehicle to the stationhouse, several officers, including PO Belardo, searched his vehicle. § 87(2)(b), § 87(2)(g)

Team: _____ :

Investigator: _____
Signature _____ Print _____ Date _____

Supervisor: _____
Title/Signature _____ Print _____ Date _____

Reviewer: _____
Title/Signature _____ Print _____ Date _____

Reviewer: _____
Title/Signature _____ Print _____ Date _____